

Quid Novi

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APRES 40 ANS DANS LE DÉSERT...

Par Alain Olivier, BCL II

Après plus de quarante ans de guerre continue, Arabes et Israéliens se sont retrouvés dans la même salle, le 30 octobre dernier, pour discuter d'un plan de paix pour la région du Proche-Orient. Des représentants de la Syrie, du Liban et d'Israel, ainsi qu'une délégation jordano-palestinienne se sont retrouvés à Madrid pour participer à cette conférence de paix historique, co-présidée par l'Union Soviétique et par les Etats-Unis. En dépit d'accrochages diplomatiques initiaux entre la Syrie et Israel, on peut tout de même entretenir un sérieux espoir que les parties vont s'asseoir et négocier sérieusement pour trouver un terrain d'entente sur la question palestinienne.

La question territoriale est au coeur du

problème. Pour comprendre la complexité du problème, il faut regarder l'histoire de la région depuis quarante ans. Ainsi, durant la deuxième guerre mondiale, le territoire de Palestine se trouvait sous protectorat britannique. Après 1945, les juifs palestiniens revendiquèrent un territoire indépendant, pour accueillir tous les juifs des pays arabes, ainsi que les survivants des communautés européennes. Les Arabes de Palestine et des pays avoisinants s'opposèrent vivement à ce projet. La Grande-Bretagne, pour sa part, hésita longtemps avant d'aborder sérieusement une cession de territoire et une révision de frontières dans le but d'accommoder les besoins des deux groupes. En 1948, après l'échec d'efforts visant une résolution pacifique de la question, les Britanniques se retirèrent de la région et

le conflit armé entre Arabes et Israéliens éclata. Attaqués par la Syrie, l'Iraq, l'Egypte et plusieurs autres pays arabes, les Israéliens résistèrent et réussirent à défendre leurs frontières. Beaucoup des habitants arabes de la Palestine durent fuir leur pays et trouver refuge dans les pays voisins, notamment en Jordanie. Par ailleurs, au cours d'une autre guerre contre les États arabes en 1967, Israel prit possession de la bande de Gaza, de la Cisjordanie et des hauteurs du Golan. Il a aussi annexé une partie du Sud-Liban en 1982.

Le droit international public ne supporte pas la position d'Israel. En effet, l'article 2(4) de la Charte des Nations-Unies prohibe l'usage «agressif» de la force mili-

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TEARS ON THE ROOF OF THE WORLD: *Human Rights in Tibet*

By Paul Moen, LL.B. II

Last week's Middle East peace "talks" highlighted the idea that both land and human rights remain precious and scarce resources in a world characterized by national self-interests. If nothing, the "talks" were a symbolic acknowledgment that both sides were prepared at least to listen to what the other side had to say. Although no substantive agreements

were made, the "talks" were considered to be a success. American quasi-retreat from a traditional pro-Israeli position, is gutsy and no doubt has a lot to do with rewarding Arab states for their support during the Gulf War. Anyways my purpose here is not to dwell on the Israeli-Arab "peace talks," rather it is to focus on U.S. Secretary of State Baker's next

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ANNOUNCEMENTS / ANNONCES

Thomas More Law Society - Erasmus wrote of Thomas More: «The study ... of law is as far removed as can be from the true learning ... More's mind, fitted for better things, naturally dreaded these studies». One writer jokes that this may put a more favourable light on some of our own law school transcripts. If you share some interest in putting a more «favourable light» on your legal studies, you may consider joining the Thomas More Law Society.

The life of Thomas More recapitulates the great tension in law and society. He was a great legal mind who respected the supremacy of law, all the while recognizing a higher law. He is reported to have said: «If the parties will at my hands call for justice, then, all were it my father stood on the one side, and the Devil on the other, his cause being good, the Devil should have right». And yet, when More's regard for the law and loyalty to Henry VIII was overwhelmed by moral indignation, More chose martyrdom. Hence, More, in what would seem a contradictory set of roles today, carries the repute of having been both a great lawyer and a martyr.

The Thomas More Law Society is a group whose purpose is to explore the moral or religious implications of the scholarly study of law. The Society meet informally to discuss various readings drawn from such diverse writers as C.S. Lewis and Dostoevsky, as well as discussing prominent law journal articles. The next scheduled meeting will take place on Wednesday November 13 at 1:00 p.m. Advance readings will be available from the Society mail box in LSA.

Career's Day Committee - organizes a foreign firm information session on Wednesday, November 13, from 12h00-14h00 pm in the Common Room. General information and address lists will be available and students who have worked abroad will be on hand to answer questions. All welcome.

Women and the Law - Annie Macdonald Langstaff workshop present Prof. Lynda Alcoff (Syracuse), Me Gaytri Kachroo, Ms. Elizabeth Monecinos (Flora Tristan Immigrant Women's Shelter), Me Andrée Côté (Director, Court Challenges Program) who will discuss «The Right to Non-Violence: Law, Power, and Women's Lives». It will be held on Wednesday, November 13, 12h00-14h00 pm in the Moot Court.

Medicine and Law - Legal issues in Medical Practice Eighth Lecture: «Confidentiality of medical records», on Wednesday, November 13, 19h30-21h30 in the Moot Court.

Legal Theory Workshop - Prof. Allan Farnsworth (Columbia): «Restitution and the Law of

Contracts», on Friday November 15, at 12h00 in room 202.

Astra Lectures in Ethics - Prof. Richard Sorabji, F.B.A. (King's College London) «Animal Rights - Ancient and Modern» on Monday, November 18, at 18h00 in the Moot Court.

LSA Phonebook Corrections - Please replace the phone number in your phonebook with the following phone numbers:

LLB I: Andrea Daniels	845-5576
Patrick Martin	934-1598
LLB II: Maaïke de Bie	938-8850
Marcia green	933-4280
BCL III: Michael Quigley	284-5090

Should you have any further corrections, please put them in the V.P. Civil box no later than November 15th. Thank you for helping make the phonebook as accurate as possible! N.B. Please remember that the phonebook is ONLY for the use of McGill law students and faculty.

PRIZES:

Essay Prize in Natural Resources Law - The Canadian Institute of Resources Law offers a \$1,000 prize for the best paper on any aspect of Natural Resources Law. The selected paper will normally be published by the Institute. Papers should be no longer than 75 typed, double-spaced pages, including footnotes. Although Natural Resources Law includes environmental matters, papers on «The Environment» are not eligible unless they deal specifically with natural resources. Papers must be submitted no later than 30 June 1992.

American Indian Law Writing Prize - The American Indian Law Review, published by the

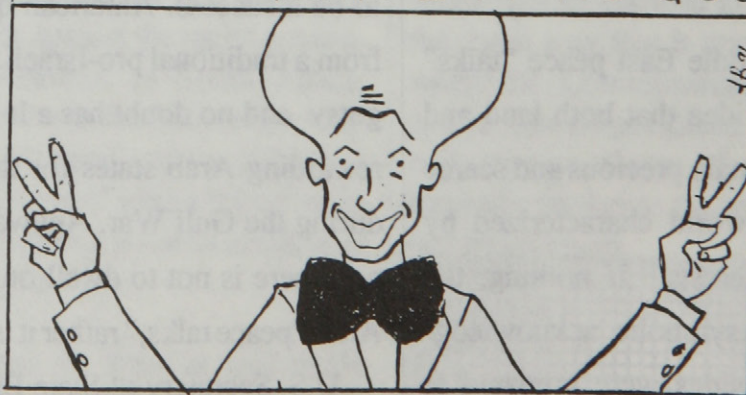
University of Oklahoma College of Law, holds a writing competition annually, which is devoted to the subject of American Indian Law. The competition is open to students enrolled in law schools across the United States and Canada. The prize is awarded to essays representing the best thought and interpretation of Indian law by students in that year. The three winners will receive cash prizes. The winning essay will be published in the American Indian Law Review. All entries must be a minimum of 20 pages in length, excluding footnotes. Entries must be post-marked first class no later than 31 Januari 1992.

International Fiscal Association (Canadian Branch) Prize for International Taxation Paper - The Canadian Branch of the IFI has announced the establishment of an annual prize of \$1,000 for the best student paper dealing with International Taxation. Papers may be submitted by any student in full-time attendance at a university in Canada or by a Canadian citizen in full time attendance at a university outside Canada. The papers must deal with some aspect of International Taxation. The deadline for the competition is May 1st 1992.

FELLOWSHIP OPPORTUNITIES:

American Society of International Law (ASIL) Fellowship - The ASIL is currently seeking candidates for the ASIL fellowship, the term of which runs from August 1992 to August 1994. This fellowship is an opportunity for a recent law graduate seeking a two year public service commitment in the international law field. The ideal candidate will have past or current Jessup International Law Moot Court Competition experience. The position involves all of the duties of an executive director of a non-profit organization. The fellow's chief responsibility is the administration of the Jessup

JUST BECAUSE
YOU DON'T UNDERSTAND ME
DOESN'T MEAN I'M NO GOOD



VOTE PROF. ZARAXIS
TEACHER OF THE YEAR

Moot Court Competition around the world. Other duties include conference planning, preparing and administering a budget, and serving as the executive editor of a journal. The fellowship is based at Tillar House, the headquarters of the ASIL in Washington, D.C. Candidates must graduate by June 1992.

Canadian Political Science Association Parliamentary Internships - The Canadian Political Science Association in collaboration with the speaker of the House of Commons and House Leaders, announces the competition for parliamentary internships for 1992-1993. Parliamentary interns will work with back-bench members of Parliament, giving the student interns knowledge of the workings of Parliament on a practical and day-to-day basis. The interns' responsibilities include working with members of the House of Commons, conducting scholarly research, and undertaking study travel. The internships are open to Canadian citizens who have recently graduated from a Canadian University. The program will commence in September 1992 for a period of ten months.

For more information, contact Associate Dean Stephen Toope.

Graduate Studies - A reception will be held on Tuesday, 12 November 1991 at 4:00 pm in the Common Room for all students who may be interested in Graduate Studies or Court Clerkships. A list of funding sources will be distributed along with information on clerkships. Coffee and donuts will be served. Further information from Professor Toope. All welcome.

COIN DES SPORTS CORNER - Prosecutor/Hospital Waste: Player/captain/coach dictator Brian Fell says he'll never equal the contribution he made to the team by masterminding the switch from «B» to «C» league. Special recognition to Ari for doing the leg-work. Obviously buoyed by the possibility of not seeing the opposing team hit double-figures every game, the newly re-named «Hospital Waste» won their last game in the «B» league crushing Sexual Chocolate 3-0 (Big Dan's 1st shut out). Their first game in the «C» league started tight. Until 5 minutes into the second period the score was still 2-1. The late appearance of Nick turned the tide. Jonathan - too hung over to play - bravely shouted down 100+ Med Zep fans in the stands. Too many great individual efforts to mention. Final score: 11-1.

Public Offenders: suffered their second loss of the season ending the game at a hard-earned 4-2 score. Goals by Sophie A. and Mitch D. appeased Veronica M.'s fury at upper-shelf scores in her net. Intramural women can now lift the puck. Alexandra G and Helene M. crippled the team by their absences, although Marie-Josée L. and Jen W. filled in with splendid defence work. The team is faster and the skating is poetry in motion. A very good season is on its way for this team!

Partir ou rester?

par Pierre Soulard, BCL II

L'édition du Quid Novi de la semaine du 28 octobre dernier contenait la réflexion d'un collègue de deuxième année qui s'interrogeait, de façon fort pertinente par ailleurs, sur ce que sera son existence à la fin de son séjour à la faculté de droit. Après avoir fait le bilan des difficultés qu'il rencontre dans sa vie quotidienne au Québec, l'auteur s'interroge ensuite sur les aléas professionnels, socio-économiques et même environnementaux d'un exil hors de sa province natale.

Comme il ne semble pas trouver un endroit assez accueillant pour loger ses 20 ans de bagage académique l'auteur contemple, malgré tout, la possibilité de s'installer au Québec. Un néophyte pourrait penser que la qualité de la vie montréalaise aurait eu raison des réticences de notre ami. Si peu car selon lui les seuls attraits de Montréal se limitent à son club de hockey, aux «smoked meats» et à la beauté de ses habitants. Bien qu'aucun de ces facteurs ne soit négligeable, on demeure quand même en droit de se demander à quoi il sert d'avoir un orchestre symphonique qui, venant de décrocher un trente-troisième prix international pour la qualité de ses enregistrements, rentre tout juste d'une tournée triomphale en Suisse. Dans la même veine, il demeure inutile de parler des «Misérables», du «Fantôme de l'Opéra» et de l'exposition «Les années 20: l'âge des métropoles» qui, de toute façon, représentent peu d'intérêt aux yeux de notre confrère.

Quant à ses préférences gastronomiques, on serait tenté de lui parler du restaurant «Les Mignardises» ou encore, tenant

compte des antécédents mercantiles de ses ancêtres, du «Beaver Club». Mais faisant fi de ces considérations nous désirons maintenant nous pencher sur une autre des affirmations que l'auteur fait dans l'avant-dernier paragraphe de son commentaire. En effet il insinue que s'il quitte le Québec rien ne lui assure qu'il pourrait éventuellement y revenir.

En fait d'allégation gratuite, il reste difficile d'espérer mieux. Évidemment le Québec possède une longue réputation en ce qui concerne la fermeture de ses frontières. Bien entendu le principe de la libre circulation des personnes tel qu'entendu aux articles 1502 et suivants de l'accord de libre-échange entre le Canada et les États-Unis ne trouve pas d'écho dans la belle province. Pourtant tous les décideurs, que ce soit au niveau économique, social ou culturel, de même que les leaders de tous les partis politiques québécois sont d'accord pour affirmer qu'il s'agit là d'une condition sine qua non de développement et de prospérité pour le Québec, quel que soit son avenir constitutionnel. Cette opinion trouve même des supporteurs dans les autres provinces. Elle ne doit donc pas être si insensée que cela.

Il demeure, en définitive, difficile de déterminer la valeur intrinsèque de l'opinion de notre collègue. S'agit-il d'un simple commentaire teinté d'ironie ou encore de la réelle expression de ses sentiments? Si la première possibilité doit nécessairement être considérée avec l'humour de circonstance, la seconde laisse entrevoir une faible ouverture d'esprit et une mauvaise foi déplorable chez quelqu'un possédant, à ses dires, sept ans d'éducation universitaire.

Tears on the Roof

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diplomatic destination, namely, China.

Of course, Baker's visit to China will provoke both calls of outrage and of optimism: outrage at the fact that the U.S. is ready and willing to deal with China no matter what its policy on human rights is, and optimism at the fact that Baker might take a stand and tell China to get its "moral" house in order. Given the less than condemning attitude that the Bush administration has maintained even since the Tiananmen Square massacre, it is unlikely that Baker will even seriously suggest that China clean up its record on human rights abuses beyond a mere token warning. In fact, even the Mulroney government has refused to seriously condemn China for its human rights abuses despite the Prime Minister's recent call for good human rights records as a prerequisite for foreign aid.

It is no grand revelation that no matter how you slice it, first world foreign policy is mostly determined by economic self-interest. In the case of China, its cheap goods and its huge market (present and future) are what make it such a juicy plum for North America. The dictatorial (not to mention octogenarial) Chinese

administration is a secured trading partner and as long as human rights, labour unions and student movements are all kept tightly repressed order is maintained and the Chinese power elite can continue to produce at pathetically low labour costs while at the same time import the goods it wants to. Put simply, the current governments of North America do not want to upset the Chinese octogenarians for fear of economic reprisal.

Nevertheless, the eyes of the world are now watching China, and in particular, they are watching Tibet. They have watched the Dalai Lama, Tibet's spiritual and political leader, receive a Nobel Peace Prize in 1989. They have watched the Dalai Lama be received in Canada, and more recently in New York as a champion of human rights. They are currently watching as an international network of Tibetan supporters are rallying together-promoting awareness about the abuse of human rights in Tibet. Just this past weekend here in Montreal, the Canada Tibet Committee sponsored a Tibetan bazaar in a local community hall, featuring Tibetan crafts, food, dance and cultural information.

Tibet is situated in west China on an arid plateau that extends all the way into India and into the Himalayan Mountain

Range. It has been known as "the Roof of the World" with a richness of culture that is amazing given the rugged living conditions. In 1949, the Chinese (communist) Liberation Army invaded Tibet and imposed a very harsh military rule characterized by arbitrary arrests, imprisonments and killings. Occasionally, the western press has covered stories of Buddhist monks being shot for civil disobedience. Nevertheless Tibet's place on the "international conscience" agenda remains a relatively low priority.

The region of Tibet is rapidly disintegrating as a cohesive cultural area. Technically, Tibet is a part of China; however, it is considered to be an "autonomous region" such that it has its own leader and can make decisions on local matters. For all intents and purposes there now exists a military occupation such that freedom of religion and political belief are strictly repressed. It is ironic, but I suppose not surprising, that the Chinese Tourist Agency loves to portray Tibet as an undisturbed jewel, when in fact the culture is withering away.

Since 1949, there has been a mass exodus of Tibetan people to the neighbouring countries of India and Nepal.

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Tears on the Roof

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Refugee camps have become (like in so many other parts of the world) permanent homes. In 1959, the Dalai Lama, went into exile in India where he has resided since. Having had the opportunity to meet with many Tibetans, their disposition is very humble and warm; always smiling and jolly. It is hard to imagine a more gentle people.

So why is China so afraid of Tibet and the Dalai Lama? The fact of the matter is that the octogenarian elites consider it a menace and a threat to their hardline conservative policies. It is interesting to note that the Tibetan Buddhist philosophy focuses on freedom of thought and self reflection; encouraging free inquiry into the nature of the human intellect and the way of the world; promoting a balance between different values and interests in the hope of achieving some higher level of awareness. Alas, this is exactly

what these octogenarian elites find so threatening. Tibet is not a physical threat, it is a spiritual one. Ideas are what change the world and philosophies that provide for the development of ideas are inimical to the status quo and existing power structures.

It will be very interesting to watch U.S. Secretary of State Baker's visit to China in the coming months. If the Middle East "peace talks" in Madrid are an indication of Baker's ability to provide some moral backbone on the international stage, as evidenced by his taking of the Arab claims seriously despite vehement opposition from Israel, perhaps, and it is a large perhaps, he could surprise us by hinting at a curtailment of the Chinese occupation of Tibet.

However, it is doubtful since the U.S. has no direct benefit, other than being seen as the international morality police/ "good guy," in seeing this happen. Things would be very different if Tibet

were an oil rich area with exploitable potential. The most realistic goal is to continue bringing the issue into discussion. Contradictions and double standards are inevitable in the international politics and the most we can hope for is to minimize them by pointing out inconsistencies in foreign policies.

To the extent that other "hot" human rights issues on the international agenda, like for instance apartheid in South Africa, are being "positively" addressed, it will provide more opportunity for other human rights issues, like Tibet and even Central America, to achieve higher priority on the "international conscience" agenda. As in the case of Stephen Biko in his fatal struggle for human rights in South Africa, Peter Gabriel's poetry is also particularly appropriate for the struggle for human rights in China and Tibet: "You can blow out the candle but you can't blow out the fire; once the flame begins to catch, the wind will blow it higher."

Invitation to Participate in a New Competitive Moot

by Marvin Shahin

Although the competitive moot selection has only recently been finalized some new information has come to my attention for all those «closet litigators» interested in putting their writing and pleading skills to the test. The Toronto firm of Osler Hoskin & Harcourt has just completed the details for the first annual **WILSON MOOT** in honour of Madame Justice Bertha Wilson.

The Wilson Moot is to have a broad field of inquiry: the promotion of justice for

the traditionally disempowered. This year's subject matter has not yet been finalized but is most likely to focus upon a women's issue. We will receive the problem in late November and be required to submit factums in January. Pleadings will be held in late February or early March at the Federal Court House in Toronto.

Students selected to compete in the Wilson Moot will have to seek the approval of the Associate Dean Stevens to receive three credits. Our current policy on external moots dictates that only the

registration fee will be assumed by the Faculty. Hence, students will be required to obtain financing of their participation themselves and will be required to obtain the agreement of a member of the Faculty to act as their academic supervisor.

If you are interested in participating in the **Wilson Moot** please contact me immediately. If four candidates do not approach me by mid-November, I will be forced to decline the invitation. I can be reached most afternoons at extension 6894 or you may leave a note in my mailbox (HAN-IGSBERG/SHAHIN).

40 ans

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taire d'un État contre un autre État et, de ce fait, interdit l'annexion comme moyen pour un État d'agrandir son territoire. Plus spécifiquement, les résolutions 242 et 338 du Conseil de sécurité des Nations-Unies exigent qu'Israël se retire des territoires acquis depuis la guerre de 1967. Par ailleurs, Israël invoque la «légitime défense» pour justifier ses actions. En effet, il soutient que le Golan pourrait servir d'emplacement stratégique d'où la Syrie pourrait lancer des incursions en territoire israélien. De plus, la Cisjordanie et la Bande de Gaza tiennent lieu de «zones-tampons» pour protéger l'État hébreu contre d'éventuelles attaques des pays arabes. Vu la position de faiblesse relative d'Israël vis-à-vis du monde arabe (généralement hostile) qui l'entoure, il s'agit d'un argument très fort pour appuyer ses revendications territoriales. Toutefois, pour défendre sa souveraineté, Israël doit-il traiter les Palestiniens des territoires occupés comme des prisonniers et leur imposer un régime de domination militaire?

Les colonies de peuplement établies par les juifs dans les territoires occupés créent un autre obstacle majeur dans la résolution du problème territorial. Suivant les principes établis par le droit

international dans l'arbitrage de l'Ile de Palmas, Israël tente d'affirmer son contrôle sur la Cisjordanie et la bande de Gaza à travers une présence «continue et pacifique» de colons dans les zones contestées. Toutefois, les pays arabes ne reconnaissent pas la légitimité de ces colonies, vu qu'elles ont été établies dans des territoires acquis par l'usage de la force. Ces peuplements sont une source de vive tension politique au Proche-Orient. Plusieurs délégués arabes souhaiteraient au moins un arrêt des efforts de colonisation d'Israël pour la durée des négociations de paix. En effet, les colonies ne font que rendre la résolution du conflit plus difficile, vu qu'une cession de territoire à un éventuel État palestinien forcerait certainement les colons à abandonner leurs terres ou du moins rendrait la coexistence avec les Palestiniens de la région assez difficile.

Toute une série de questions politiques sont aussi en jeu dans l'actuel conflit. Israël cherche à être enfin reconnu par le monde arabe comme État, ce qui a motivé le premier ministre Shamir à demander que les pourparlers bilatéraux entre Israël et la Syrie, le Liban et la délégation jordano-palestinienne se déroulent au Proche-Orient et non à Madrid ou à Washington. Par ailleurs, les Palestiniens désirent que l'OLP soit reconnu par l'état israélien comme leur représentant

légitime au plan politique, ce qu'Israël a toujours refusé de faire. On ne doit pas oublier que les considérations géo-politiques jouent également un rôle important, bien qu'elles soient à l'arrière-plan: la Syrie, entre autres, a tout à gagner en voyant Israël amputée d'une partie de son territoire...

Y a-t-il un compromis possible qui puisse enfin adresser de manière adéquate le problème palestinien? Plusieurs intérêts arabes ont soulevé la possibilité que les zones contestées deviennent des zones démilitarisées, où les Nations-Unies pourraient exercer un pouvoir de tutelle en attendant qu'une entente définitive soit conclue sur les questions territoriales. Pour les raisons que j'ai soulignées dans cet article, surtout pour des raisons de sécurité nationale, on peut comprendre la réticence qu'éprouve Israël à céder une partie de son territoire actuel en vue de la formation d'un État palestinien. De plus, même en arrivant à un compromis sur les territoires occupés, on ne peut prétendre éliminer la haine profonde qui creuse un fossé entre juifs et musulmans au Proche-Orient. Tout ce qu'on peut espérer du processus de paix, c'est qu'au moins Israéliens et Palestiniens puissent co-exister pacifiquement sur des territoires adjacents et que les Palestiniens ne soient plus des réfugiés dans leur propre pays...

LE BILINGUISME IN THE FACULTY

What is the place of bilingualism in this Faculty today? Does the programme create an unfair burden for those students whose knowledge of French is not perfect? Are the Faculty's expectations unrealistic in this respect? On the other hand, is the Faculty doing enough for those students who came to McGill because of its "bilingual environment"? Is the Faculty's marketing image, as it appears from its different announcements, publicity brochures and official documents, different from its real identity? Should more be done to acknowledge the presence of a large number of

francophone students in the Faculty?

The Dean of the Faculty of Law has created an *ad hoc* Committee in an attempt to address those issues, determine whether the Faculty has genuine problems with its identity, and recommend solutions if necessary.

Le comité est composé de Mesdames Nathalie Goldin et Renée Thériault, toutes deux étudiantes, des vice-doyens Rosalie Jukier et David Stevens, et du professeur Daniel Jutras. Ce comité a commencé ses délibérations, et souhaite maintenant

recevoir les représentations de ceux et celles qui vivent dans la Faculté. Quelles sont les attentes des étudiantes et des étudiants quant au bilinguisme dans l'administration de la Faculté? Quelles devraient être les attentes de la Faculté à l'égard du bilinguisme des étudiants et des étudiantes?

Vos représentations orales ou écrites doivent être faites le plus tôt possible, et peuvent être portées à l'attention de n'importe lequel des membres de ce Comité.

RACE FOR A PLACE - #2

By Brian Cohen, LLB III

Two weeks ago, the Placement Office distributed a "Summer Jobs Survey" form in the Quid. Readers were asked to tell us where they have worked during their summers at law school. Preliminary results are published below.

Nearly all respondents willingly provided their names and telephone numbers so that interested student could contact them for more information. The forms are being kept in a binder at the Placement Office. If you haven't yet filled out a form - takes about 60 seconds - it's not too late. Come by the Placement Office and share your knowledge with your classmates. Those with experience in non-traditional legal jobs are especially encouraged.

In 1990 and 1991, McGill law students could be found at:

Law Firm:

Montreal:

Guy et Gilbert
Mendelsohn, Rosentzweig, Shacter
Stikeman, Elliott
Robinson, Sheppard, Borenstein,
Shapiro
Heenan, Blaikie
Ogilvy, Renault

Elsewhere:

McCarthy, Tétrault (Toronto)
Heller, Rubel (Toronto)
Baker & McKenzie (Toronto)
Hicks, Morley, Hamilton, Stewart, Storie
(Toronto)
Halley, Hunt (St. Johns)
Mirick, O'Connell, DeMallie & Lougee
(Worcester, MA)

Verner, Liipeert (Washington, DC)

Corporate Counsel:

Mobil Oil Canada (Calgary)
Bell Canada Enterprises (Montreal)
General Electric Canada (Mississauga)

Public Interest Group and Sundry:

The Advocacy resource Centre for the
Handicapped (Toronto)
Centre for International Environmental
Law (London, UK)
Q.P.I.R.G. (Montreal)
Canadian Institute for the Administration
of Justice (Montreal)
Ontario Law Reform Commission
(Toronto)
McGill Centre for Medicine, Ethics and
Law
McGill Legal Information Clinic
Professor Tetley (McGill)
Centre de droit privé et comparé du

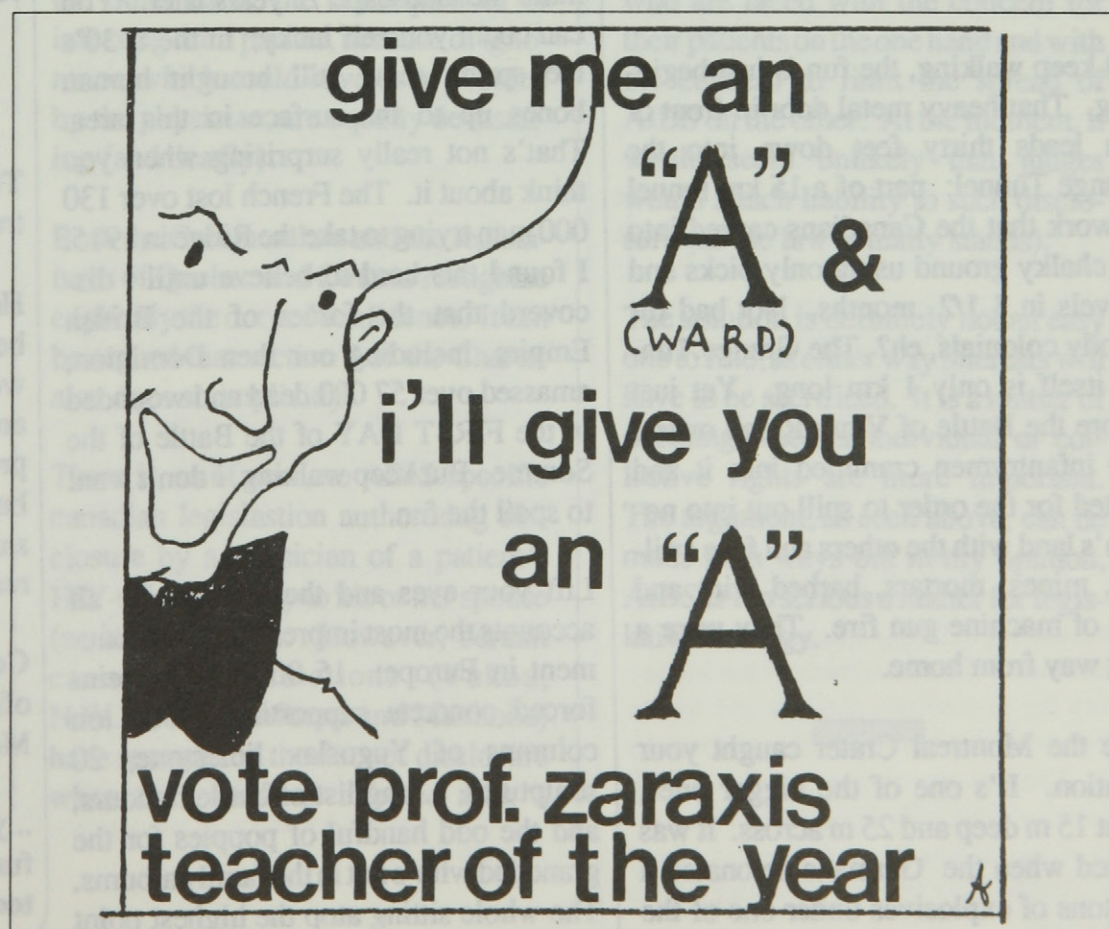
Québec (McGill)

Government:

Department of Justice, Canada (Ottawa)
- Human Rights Law Section
- Ministry of communications Legal
Services
Ministry of Culture and Communica-
tions, Ontario, Legal Services (Toronto)
Ministry of the Attorney General, On-
tario, Native Affairs Secretariat
(Toronto)

Other Interesting, Non-Law Activi- ties:

House of Commons, Parliamentary
Guide
World University Service Canada
(WUSC) Summer Seminar in Develop-
ment (travel to a developing country)
Fondation Integration de Laval
Shining Path Political Terrorists, Inc.
(Perù)



MEMORY LANE

By Angelo Noce, BCL III

Drop everything. We're going for a walk. It won't be the most enjoyable walk that you'll take, but it's a path that should be trod upon at least once a year.

It's an overcast day in the Pas de Calais and the thick grass is still wet from the last rainfall. You've left the open plain behind and your legs tell you that the ground is gradually sloping upwards. You're standing on the outskirts of Vimy Ridge. See that maze in front of you? That's the preserved section of the trenches which 100 000 Canadians called home in 1917. At the time, Vimy was tied with Vancouver for the title of the fourth largest «Canadian» city. The trenches are preserved in concrete to keep the ground from encroaching on them. At the time it was just mud, up to two feet of it in winter. In fact, more than a few Canadian soldiers drowned in these trenches when they fell in the mud face down and no one was nearby to pull them up.

But keep walking, the fun is just beginning. That heavy metal door in front of you leads thirty feet down into the Grange Tunnel: part of a 15 km tunnel network that the Canadians carved into the chalky ground using only picks and shovels in 3 1/2 months. Not bad for bloody colonials, eh? The Grange Tunnel itself is only 1 km long. Yet just before the Battle of Vimy Ridge over 1 000 infantrymen crammed into it and waited for the order to spill out into Norman's land with the others and face artillery, mines, mortars, barbed wire and hail of machine gun fire. They were a long way from home.

I see the Montreal Crater caught your attention. It's one of the bigger ones, about 15 m deep and 25 m across. It was formed when the Germans detonated a few tons of explosives under one of the

Canadian trenches. One moment there stood here a trench filled with young Montrealers from the 42nd Regiment, and a moment later there was this gaping hole and a scattering of limbs. The bodies may be in the cemetery you passed by earlier, one of 30 cemeteries in a 16 km radius of this site where Canadians are buried. They would have been under a headstone marked: «A Canadian Soldier of The Great War: Known Unto God».

That reminds me. The acres of maple and pine trees that surround you were all planted on the shattered landscape after the war - one tree for every Canadian soldier who died in France in World War I and whose body was never identified - a grand total of 11 285. That's a lot of «Known Unto God's».

I know it's not an easy walk but we're almost there. They call this part of the Ridge the «egg-carton» because the small craters caused by 30 months of constant artillery bombardment still mark the landscape 75 years later. You can count yourself lucky; in the 1930's the spring thaw still brought human bones up to the surface in this area. That's not really surprising when you think about it. The French lost over 130 000 men trying to take the Ridge in 1915. I found this hard to believe until I discovered that the forces of the British Empire, including our then Dominion, amassed over 57 000 dead and wounded in the FIRST DAY of the Battle of the Somme. But keep walking, I don't want to spoil the fun.

Lift your eyes and there it is. By all accounts the most impressive war monument in Europe: 15 000 tons of reinforced concrete supporting 6 000 ton columns of Yugoslav limestone, 20 sculptures, a long list of battle honours, and the odd handful of poppies for the granddad who's not in the family albums. The whole sitting atop the highest point

of the Ridge taken by the Canadians and looking 70 m down upon the Douai Plain that they liberated. A bold and fitting monument erected in the midst of the Great Depression in order to yell, not whisper, the names of the 66 000 Canadians who fell during the First World War.

The fun does not end with Vimy Ridge. Canadians can plan excursions down memory lane everywhere from Passchendaele to Dieppe, from Normandy to Seoul, from South Africa to the South Pacific. The landscapes are very different, but a connecting thread exists - the blood of 110 000 Canadians spilled in war. Pleasant or not, at least once a year let us walk these paths and remember them.

QUOTES OF THE WEEK

Trial Advocacy - Mr. Walsh (in his introduction to «expert witness»)

How many fingerprints have ever really been taken in the world? I mean - how do we **really** know that no two fingerprints are alike? .. has anyone ever **really** proven this. How do I know that some bushman in Australia doesn't have the same fingerprints as me?! You just don't really know!!

Corporate Finance - Words of wisdom offered by Mr. Casey early one Tuesday Morn':

...you know, money does some pretty funny people to things... (yes sir, and we too understood we pretended.)

AIDS:

THE PATIENTS OR THEIR SEXUAL PARTNERS?

Nancy Girard, BCL II

The first cases of acquired immunodeficiency syndrome (AIDS) were diagnosed in the late 1970's. At that point, it seemed that homosexuals and I-V drug users were the ones affected, and therefore heterosexuals went on with business as usual. Quickly though, the disease began to spread amongst heterosexuals and as the number of cases mounted, the panic within the population escalated. The medical world was utterly confused, but researchers all over the world worked around the clock to understand the new mysterious killer. They came up with a lot of answers... but there is still no cure... and the panic that resulted in the discrimination against and segregation of AIDS victims, is still very much alive.

As the medical world tried to cope with the "AIDS crisis", the legal world was also faced with new challenges, especially in the area of ethics. One of the problems resulting from the disease is that of the repercussions of the physician's duty of confidentiality, which is owed to third parties who come in sexual contact with AIDS victims.

The code of ethics of the Canadian Medical Association requires that a physician keep in confidence information derived from his or her patient and divulge such information only with the permission of the patient or if required to do so by law. However, in 1987, the Association resolved that it might not be so unethical for a physician to inform a spouse or sexual partner about the positive results of an

HIV test, even without a patient's consent.

The primary basis of the duty of confidence is to encourage patients to seek medical attention without fear that their ailment, condition or treatment will be disclosed. The practical result is that both patients and people at risk of infection are protected through information and care. However, due to the manner in which AIDS is transmitted, should the rule of confidentiality be curbed?

Obviously, to make this difficult decision, one must balance the interests of the patient and that of third parties. On the one hand, there are the devastating consequences that disclosure can have on AIDS victims, examples of which are employment and housing discrimination, isolation and rejection by loved ones, prejudice and social stigma. On the other hand, the consequences of infecting third parties, because of ignorance, which could have been avoided by the physician, are equally devastating (and deadly).

Both the Common law and the legislatures of Quebec and Ontario recognize explicitly the duty of confidence. It can be argued that section 7 of the Charter also does so implicitly.

There is, as of now, no AIDS-specific Canadian legislation authorizing disclosure by a physician of a patient's HIV-seropositivity to his or her spouse (as in California). However, certain Canadian jurisdictions (Yukon, N.W.T., P.E.I., Alberta and Manitoba) have recognized the duty of disclosure when the patient is infected with a

communicable disease (including AIDS in certain instances). In all other provinces, the relationship between the competing claims of the patient regarding the duty of confidence and of the partner regarding the duty to be warned must be determined by reference to common law.

The position of the law regarding disclosure is therefore unclear and if a physician decided to warn, it would seem that a patient could sue for breach of duty of confidence or in negligence (although few judges have awarded damages for breach of such a duty: see: *Mammon v. Bakin*, [1989], B.C.C.A. unreported).

Therefore, the legislature must take a firm stand and legislate clearly regarding the duty to warn. As the law stands now, it is likely that judges would sympathize with physicians who are faced with the concern for their patients on the one hand and with the concern to limit the spread of AIDS on the other. At the moment, it would seem unlikely that judges would attach liability to such disclosure (as the law actually stands).

The solution is definitely not an easy one to find, as either way interests will have to be sacrificed. It is a matter of deciding whether individual or collective rights are more important. The argument, as seen above, can be made both ways but in my opinion, AIDS is too serious a matter for legislative lethargy.

GREEN SPACE

SMALL VICTORIES

By Juli Aboucher, Nat. IV

It is easy to feel pessimistic. I like to rationalize it as being realistic. Many of us entered law school with bright thoughts of improving some aspect of the social condition, only to learn the awful fact that in nine times out of the, law supports the status quo: that change in law is a slow and cumbersome process. It is important then to rejoice in small victories when they occur - like the energy debate in the US Senate last week.

Before the Senate was a Bill to allow oil exploration in the Arctic National Wildlife Refuge (ANWR) Basin in Alaska. Some background is necessary to understand the significance of the outcome of the debate. The ANWR Basin is surrounded by mountains in northern Alaska just east of the Yukon border. Because the basin is at a lower elevation, it is protected from harsh winds, and supports a wealth of vegetation. These conditions attract caribou herds once a year from all parts of the north including the Yukon and the Northwest Territories. There they give birth to and raise their young.

However geologists have evidence to believe that underneath this caribou haven are vast reserves of oil. Proponents of the drilling argued that the reserve could lessen dependence on foreign oil. Indeed the Gulf War had given impetus to the Bill. President Bush displayed his Disney-like appreciation of wildlife in defending the proposal. In Explaining that caribou and drilling operations could exist side by side he said that caribou were «making love leaning up against the Alaskan pipeline».

The debate in the Senate ended when nine Republicans joined 35 Democrats to effectively end consideration of the Bill. The Senate will reconsider the Bill once the drilling provision is eliminated. The derailment of the Bill is a victory for the environmentalists and for the natives who depend upon the caribou for food. There is speculation that the ANWR Basin is safe forever. I hope that the opponents of the drilling know the importance of their guardian role and are preparing for the next round.

ENVIRONMENTAL AWARENESS SURVEY

Green Space is becoming a regular feature in the Quid, but this time we would like to hear from you. So take a few minutes over coffee or instead of nodding off some time today... and let us know your views. It's important in order for the Greening of the Faculty Committee to assess faculty priorities.

1. The «Greening of the Faculty Committee» is:

- a) a group of faculty, staff, and student representatives that is trying to make the faculty more environmentally efficient;
- b) a group that wants to replace the blackboards with greenboards;
- c) does not exist (hint: You're Wrong!).

2. Is there presently at the Faculty:

- a) fine paper recycling? Y__ N__
- b) newspaper recycling? Y__ N__
- c) glass recycling? Y__ N__
- d) pop can recycling? Y__ N__
- e) tin can recycling? Y__ N__
- f) plastics recycling? Y__ N__

3. Do you:

- a) always use both sides of every piece of paper? Y__ N__
- b) always keep your glass to be recycled? Y__ N__
- c) reuse all your plastic shopping bags? Y__ N__
- d) commonly consider the environmental consequences of the products you buy? Y__ N__
- e) use alternative modes of transportation whenever you can avoid using a car? Y__ N__

4. Do you support the discount given on the purchase of beer at Coffee House when purchaser brings his or her own reusable mug? Y__ N__

5. Would you support an initiative to replace paper towel dispensers in the faculty washrooms with hand dryers, as a way to conserve paper? Y__ N__

6. Would you support the replacement of styrofoam plates and cutlery in the cafeteria with reusable plates and cutlery?

Y__ N__

7. Would you support the replacement of individual creamers, sugar packets, and plastic stir sticks with a pitcher of milk, a large refillable sugar dispenser and a spoon in order to cut down the waste the Faculty produces?

Y__ N__

8. If you are presently using styrofoam cups for coffee, why?

- a) I sometimes forget my mug at home;
- b) the 5 cent discount is no real incentive;
- c) I don't think it will make a difference in the long run;
- d) there is no convenient alternative.

9. Which environmental problems in the Faculty are most pressing? Feel free to elaborate or add.. (rank 1-6)

- a) production of waste (garbage from cafeteria, paper in washrooms);
- b) inefficient use of energy (inefficient heating, lights left on in empty rooms);
- c) excess use of paper (unread campus and other papers, excess single-sided mailouts & class handouts, excess library copies);
- d) messy classrooms and lounges;
- e) other (please list)

Please put completed form in boxes located in the cafeteria (opposite vending machines), at the Porter's Desk of NCDH, or in the Library (at circulation desk). Thanks for your participation.